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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,815	<b>Applicant(s)</b> IWAKAWA ET AL.	
	<b>Examiner</b> Raquel Alvarez	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 11/29/2008.
2. Claims 1-17, 19 and 21 are presented for examination.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by article titled, "Recommend-it.com: Spread the Word!!" hereinafter Recommend-it.com. in view of Netravali et al (5,084,877 hereinafter Netravali).

With respect to claims 1, 3, 5-12 and 20-21, Recommend-it.com teaches an introduction system for allowing an introduction origin system to introduce an introduction target system to an introduction destination system through an On-line network system (see pages 1-4).

The introduction origin system comprising an introducing part for notifying the introduction destination system for "introducing" information containing user entry information of the introduction target system (i.e. the first user (introduction origin) recommends a second user (introduction target) to the Recommend-it.com site (introduction destination system)(see page 2);

The introduction destination system comprising a registering part for receiving the “introducing” information notified from the introducing part of the introducing origin system and registering user entry information of the introduction target system on a user list, and an “introduced” information notifying part for detecting registration of the user entry information of the introduction target system on the user list in the registration part and notifying the introduction target system of “introduced” information representing that a registration action based on introduction has been conducted (see e-mail received by the second user)(pages 2 and 4), and

The introduction target system comprises an “introduced” recognizing part for receiving “introduced” information from the “introduced” information notifying part of the introduction destination system and recognizing a registration action to the user list in the introduction destination system (pages 2 and 4).

With respect to notifying the introduction destination system of state information representing a state of the introduction target system or a user thereof. Netravali teaches the system (i.e. Recommend-it.com) periodically receiving data describing the receiver’s state (i.e. second user’s system)(see Figure 7). It would have been obvious in the system of Recommend-it.com to have included the teachings of Netravali of receiving information from the user directly indicating the effectiveness of the information received because such a modification would allow the introduction destination system (Recommend-it.com) to verify that the information was received accurately.

With respect to the newly amended feature of the introduction destination system further comprising a state information display part displaying the state of the introduction target system based on the state information notified by the introduction target system. Official Notice is taken that displaying the information received it is important in order to provide visual aid. It would have been obvious to have included in the combination of Recommend-it.com and Netravali for the introduction destination system further comprising a state information display part displaying the state of the introduction target system based on the state information notified by the introduction target system in order to provide the users with the state of the target or recommended website and therefore save the users time by knowing the state of the website before the users click/visit the site.

With respect to claims 3, 5, Recommend-it.com further teaches confirming part for comparing contents recognized by the “introduced” recognizing part, and confirming an introduction relationship between the introduction origin system and the introduction destination system (i.e. the e-mail received by the second user confirms that the first user has a relationship or is customer of Recommend-it.com)(page 4).

With respect to claims 6-12, Recommend-it.com further teaches providing an incentive for providing service with respect to the introduction destination system if there is a relationship between the introduction origin system and the introduction destination system (i.e. the first user receives a design/promotion newsletter delivered to his or her Email account for introducing the second user)(see page 4).

Claims 2 further recite a buddy list system and obtaining system state information through a network. Official Notice is taken that it is old and well known for obtaining names and contact information from buddy list for marketing purposes. It would have been obvious for a person of ordinary skill in the art at the time of Applicant's invention to have included a buddy list system and obtaining system state information through a network in order to obtain the above mentioned advantages.

With respect to claim 4, Recommend-it.com further teaches confirming part for comparing contents recognized by the "introduced" recognizing part, and confirming an introduction relationship between the introduction origin system and the introduction destination system (i.e. the e-mail received by the second user confirms that the first user has a relationship or is customer of Recommend-it.com)(page 4).

Claims 13-17 further recite that in case where the entry information is deleted the information between the introduction origin system and the target system is cancelled. Official Notice is taken that it is old and well known that if a user deletes or cancels registration with a business or company, the users involved in the recommendation or registration with the company will be cancelled in order for the business or company to concentrate their effort on other potential prospects. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in case where the entry information is deleted the information between the introduction

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origin system and the target system is cancelled in order to achieve the above mentioned advantage.

With respect to claim 19, in addition to the limitations previously addressed in the rejection of claim 1 above, the claim further recites a buddy list system. Official Notice is taken that it is old and well known for obtaining names and contact information from buddy list for marketing purposes. It would have been obvious for a person of ordinary skill in the art at the time of Applicant's invention to have included a buddy list system in order to obtain the above mentioned advantages.

### **Response to Arguments**

5. Applicant's arguments filed 11/29/2008 have been fully considered but they are not persuasive.

6. Applicant argues that while Recommend-it.com webpage notifies the second user friend about the target website recommended by the first user, there's no discussion expressly or implicitly about the second user friend, namely the introduction destination system detecting registration of the introduction target system on the user list and notifying the introduction target system of introduced information representing that a registration based on the introduction has been conducted further Recommend-it.com is silent on the introduction target system recognizing a registration action to the user list in the introduction destination system. The Examiner disagrees with Applicant because in Recommend-it.com (Introduction destination system) detects that the first

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user (introduction origin) introduces the second user to a website that the first user is currently viewing. For example Webdeck.com (introduction target) and the target website maintains a list of where the introduction originated.

7. Applicant argues that Recommend-it.com website cannot correspond to the target website. The Examiner want to point out that in Recommend-it.com, the first user uses Introduction destination system (Recommend-it.com) services to recommend a site that the second user was just viewing, in this case Webdeck.com website webpage and Recommend-it.com sends the second user friend, details of the target website (webdeck.com).

8. Applicant argues that Recommend-it.com doesn't teach the e-mail recipient notifying a target website of any registration action with respect to the target website. The Examiner disagrees with Applicant because by the e-mail recipient (second user) clicking on the link, the second user becomes a member or a user of that target website ( WebDeck website).

9. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). With respect to notifying the introduction destination system of state information representing a state of the introduction target system wherein the introduction destination system displays the state of the introduction target system. The Examiner wants to point out that Netravali teaches periodically receiving data describing the



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receiver's state this teachings was combined with Recommend-it.com in order for Recommend-it.com website (introduction destination system) to notify the users of state of the introduction target system (WebDeck website) in order to avoid the users from going to a website that is down or inoperable.

10. With respect to claim 21, Applicant argues that Recommend-it.com and Netravali are silent as to an introduced update information notifying part periodically notifying the introduction target system of introduced update information representing that the registration of the user entry information of the introduction target system in the registering part is effective. The Examiner disagrees with Applicant because Recommend-it.com teaches the WedDeck website receiving e-mail addresses of the recipients being introduced to their site from the Recommend-it.com site (Introduction destination system). The list of e-mail addresses is the update that the registration is effective.

### **Conclusion**

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
2/10/2009